

FILED

APRIL 14, 1981

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO. H80-5143

In the Matter of the Suspension :
or Revocation of the License of :

KENNETH L. CACCAVALE, M.D. :
License No. 28214 :

Administrative Action

FINAL DECISION AND ORDER

To Practice Medicine and Surgery :
in the State of New Jersey :

.....:

This matter was opened to the State Board of Medical Examiners by way of Complaint filed October 3, 1980, by JOHN J. DEGNAN, ATTORNEY GENERAL OF NEW JERSEY, by Mary Andruzzi, Deputy Attorney General, against Kenneth L. Caccavale, M.D., having offices at 515 76th Street, North Bergen, New Jersey 07047. The Complaint alleged that respondent had been convicted of a crime of moral turpitude and/or a crime relating adversely to the activity regulated by the Board pursuant to N.J.S.A. 45:9-16. The basis of the allegation was a plea of guilty on February 27, 1980 which respondent entered into on a Four Count Federal Information No. 80-57. Said information charged two counts of mail fraud in violation of Title 18, U.S.C. §1341-2, one count of medicare fraud in violation of Title 18, U.S.C. §1001-2, and one count of medicaid fraud in violation of Title 18, U.S.C. §1001-2 in that he conspired to submit and caused to

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be submitted to Prudential Insurance Company false claims for medical insurance benefits when in fact the alleged medical treatment had not taken place. Respondent has been represented throughout these proceedings by Joseph A. Hayden, Jr., Esq., Shane, Hayden, Perle, Rafanello, Schaffer & Irish, Gateway #1, Newark, New Jersey 07102.

Respondent, through his attorney, has pleaded non vult to the Complaint, and a hearing for the purpose of considering mitigating circumstances with respect to determination of penalty, was held on March 11, 1981. Prior to the hearing, respondent's attorney submitted a memorandum, an appendix to the memorandum, and letters from various individuals on behalf of respondent. At the hearing the Board received testimony from Dr. Christ L. Zois, M.D., a psychiatrist in New York and Pastor Irvin E.M. Pflueger of Hudson County Jail, Jersey City, New Jersey, on respondent's behalf. The Board also heard from respondent's attorney and Dr. Caccavale himself.

The Board having accepted respondent's plea of non vult, having considered all materials and testimony submitted and taking into consideration the gravity of the offense:

IT IS ON THIS 8 day of April, 1981,

O R D E R E D:

1. Respondent shall pay a civil penalty of \$2,500.00 which penalty shall be payable to the State of New Jersey in four (4) payments. The first payment shall be in the amount of \$1,000.00 and shall be payable within ten (10) days from entry of this Order.

The balance of the penalty shall be payable in three equal installments of \$500.00 each payable on May 10, 1981, June 10, 1981 and July 10, 1981. In the event payment is not made in accordance with this schedule, the full amount shall become immediately due and owing.

2. The license of respondent Kenneth L. Caccavale, M.D., to practice medicine and surgery in the State of New Jersey be and the same is hereby suspended for a period of five (5) years, beginning June 8, 1981. Respondent shall surrender his license and registration to practice medicine and surgery in the State of New Jersey and shall surrender his New Jersey Controlled Dangerous Substance Registration and shall cease and desist the practice of medicine and surgery during the time of said active suspension.

3. Respondent is hereby granted leave to apply for reinstatement of his license after a six (6) month period of active suspension. Said reinstatement shall be contingent upon respondent's agreement to provide services to a charitable institution, approved by the Board, for two days a week for a period of thirty (30) months. After the thirty month period, the remaining time shall be a period of probation.

4. The New Jersey Board of Medical Examiners is empowered during the term of this suspension, including the period of probation, to issue an Order To Show Cause on seven (7) days notice should information come to its attention that any of the terms and conditions of the herein Order or any provisions of the Medical Practice Act, N.J.S.A. 45:9-1 et seq. or 45:1-14 et seq. have been violated, and such Board may also immediately issue an Order of Temporary Suspension prior to the return date of the Order To Show Cause, providing that leave be and it is hereby granted to allow respondent an opportunity to move on no less than two (2) days notice to the Board to modify any such Order of Temporary Suspension.



EDWIN H. ALBANO, M.D.
President
N.J. State Board of Medical
Examiners

DATED: April 8, 1981